

REMARKS

In a final Office Action dated February 6, 2006, the Examiner rejected claims 1 and 18 under 35 U.S.C. §103(a) as being unpatentable over Armitage (U.S. patent no. 6,374,303) in view of Wilford (U.S. patent no. 6,512,766) and further in view of Jagannath (U.S. patent no. 6,483,833). The Examiner rejected claims 2, 4-6, 8, and 19-22 under 35 U.S.C. §103(a) as being unpatentable over Armitage in view of Wilford and Jagannath and further in view of Chuah et al. (U.S. patent no. 6,735,190, hereinafter referred to as “Chuah”). The Examiner rejected claim 7 under 35 U.S.C. §103(a) as being unpatentable over Armitage in view of Wilford and Jagannath and further in view of Tappan (U.S. patent no. 5,991,300). The Examiner rejected claims 9-11 and 13-15 under 35 U.S.C. §103(a) as being unpatentable over Chuah in view of Veerina et al. (U.S. patent no. 6,243,373, hereinafter referred to as “Veerina”) and further in view of Jagannath. The Examiner rejected claims 12 and 16-17 under 35 U.S.C. §103(a) as being unpatentable over Chuah in view of Veerina and Jagannath and further in view of Tappan. The Examiner rejected claims 23-25 under 35 U.S.C. §103(a) as being unpatentable over Tappan in view of Veerina and further in view of Jagannath. The rejections are traversed and reconsideration is hereby respectfully requested.

Please cancel claims 2, 10, and 19.

The Examiner rejected claims 1 and 18 under 35 U.S.C. §103(a) as being unpatentable over Armitage in view of Wilford and further in view of Jagannath. Claims 1 and 18 have been amended to include features of receiving multiple data packets, wherein each received data packet comprises a routing address that is associated with one or more of network layer routing information and transport layer routing information, determining an address label for each received data packet based on the data packet's routing address, wherein the address label provides one or more of network layer and transport layer routing information, and deleting the data packet's routing address from the data packet and adding the address label determined for the data packet to the data packet to produce a modified data packet. These features are not taught by the cited prior art.

In rejecting claims 1 and 18, the Examiner acknowledged that neither Armitage nor Wilford teaches determining an address label for the data packet based on the data packet's routing address, wherein the address label provides one or more of network layer and transport layer routing information, and adding the address label determined for the data packet to the data packet to produce a modified data packet. However, the Examiner contended that Jagannath teaches an address label that provides one or more of network layer and transport layer routing information (col. 4, lines 32-40).

While Jagannath teaches binding a label to a network layer routing information, Jagannath merely teaches that this label is then added to a data packet between the data link layer and network layer protocols or may be included somewhere among the network layer protocol header. Nowhere does Jagannath teach deleting network layer or transport layer routing addresses, and therefore Jagannath does not teach the features of claims 1 and 18 of swapping the address label for one or more of the network layer and transport layer routing information, that is, deleting the routing address and adding the address label.

The Examiner contended, in rejecting claims 2 and 19 among others, that Chuah teaches deleting a routing address from a data packet. However, Chuah does not teach address labels and further does not teach a swapping of address labels for one or more of the network layer and transport layer routing information. Therefore, neither Jagannath nor Chuah teaches a swapping of address labels for one or more of the network layer and transport layer routing information.

Furthermore, the teachings of Jagannath and Chuah may not be properly combined. Chuah is a tunnel patent, wherein data packets are conveyed over an established tunnel. In such an instance, a routing address, and in particular a source or destination IP (SIP or DIP) address in Chuah, may be deleted from a data packet because no routing information is needed. At the destination end of the tunnel, the routing information may be added to the packet for further processing of the packet. But as the packet is being tunneled, no routing information is required over the tunnel. In fact, to swap an address label for the deleted routing information before the data packet is tunneled would be contrary to the reason for removing the routing information in the first

place, that is, because it is not needed. By contrast, Jagannath is not a tunnel patent, and therefore the teaching of Chuah of removing unneeded routing information because a packet is being tunneled should not be applied to Jagannath.

In fact, the applicants respectfully contend that it is improper to combine Chuah with Jagannath under the MPEP guidelines. MPEP Section 706.02(j) requires that there must be some suggestion or motivation, in the references themselves or in generally available knowledge, to combine the reference teachings. MPEP Section 706.02(j) further requires that the suggestion or motivation to make the claimed combination and a reasonable expectation of success must both be found in the prior art and not based on the applicants' disclosure. In the present application, the only motivation to combine the references is found in the applicants' disclosure. As noted above, Chuah removes the routing information because the packet is being tunneled, eliminating the need for routing information. To add routing information to the teachings of Chuah would make no sense. Jagannath nowhere teaches a removal of routing information and, in fact, is only concerned with a distribution of labels among adjacent nodes (the adding of labels of routing labels is merely mentioned as background information). Jagannath, unlike Chuah, is not a tunnel patent and there is no suggestion or motivation mentioned in Jagannath to remove the routing information.

Therefore, the applicants respectfully contend that the cited prior art does not teach the features of claims 1 and 18 of receiving multiple data packets, wherein each received data packet comprises a routing address that is associated with one or more of network layer routing information and transport layer routing information, determining an address label for each received data packet based on the data packet's routing address, wherein the address label provides one or more of network layer and transport layer routing information, and deleting the data packet's routing address from the data packet and adding the address label determined for the data packet to the data packet to produce a modified data packet. Accordingly, the applicants respectfully request that claims 1 and 18 may now be passed to allowance.

Since claims 4-8 depend upon allowable claim 1 and claims 20-22 depend upon allowable claim 18, the applicants respectfully request that claims 4-8 and 20-22 may now be passed to allowance.

The Examiner rejected claims 9-11 and 13-15 under 35 U.S.C. §103(a) as being unpatentable over Chuah in view of Veerina and further in view of Jagannath. Claim 9 has been amended to provide a method for point-to-point transmission of data including receiving, by a data transmitting device, multiple data packets, wherein each received data packet comprises a routing address that is associated with one or more of network layer routing information and transport layer routing information, determining, by the data transmitting device, an address label for each received data packet based on the data packet's routing address, wherein the address label provides one or more of network layer and transport layer routing information, and for each data packet of the multiple received data packets, deleting, by the data transmitting device, the data packet's routing address from the data packet and adding, by the data transmitting device, the address label determined for the data packet to the data packet to produce a modified data packet. These features are not taught by Chuah, Veerina, or Jagannath.

As described in detail above, Chuah does not teach an adding of a label that corresponds to a removed SIP or DIP. The SIP or DIP is just removed altogether. In fact, Chuah teaches nothing concerning address labels. Nor is there any reason in Chuah to swap the SIP or DIP for a label, as the packet is just being tunneled.

On the other hand, Jagannath merely teaches an adding of a label and nowhere teaches a removal of routing information. And as Chuah is a tunnel patent and Jagannath is not, the teaching of Chuah of removing routing information because the packet is being tunneled should not be applied to Jagannath.

Veerina merely teaches a replacing of a first IP address of a data packet with a second IP address. Veerina, too, teaches nothing concerning a use of address labels. Therefore, neither Chuah, Veerina, nor Jagannath, individually or in combination, teach the features of claim 9 of receiving, by a data transmitting device, multiple data packets, wherein each received data packet comprises a routing address that is associated with one

or more of network layer routing information and transport layer routing information, determining, by the data transmitting device, an address label for each received data packet based on the data packet's routing address, wherein the address label provides one or more of network layer and transport layer routing information, and for each data packet of the multiple received data packets, deleting, by the data transmitting device, the data packet's routing address from the data packet and adding, by the data transmitting device, the address label determined for the data packet to the data packet to produce a modified data packet. Accordingly, the applicants respectfully request that claim 9 may now be passed to allowance.

Since claims 11-17 depend upon allowable claim 9 the applicants respectfully request that claims 11-17 may now be passed to allowance.

The Examiner rejected claims 23-25 under 35 U.S.C. §103(a) as being unpatentable over Tappan in view of Veerina and further in view of Jagannath. Claim 23 has been amended to teach a data receiving device comprising a processor that extracts multiple data packets from a data transmission unit, determines one or more of a network layer and a transport layer routing address for each data packet of the multiple data packets based on an address label of the data packet that provides one or more of network layer and transport layer routing information, deletes the address label from and adds the determined one or more of a network layer and a transport layer routing address to each data packet of the multiple data packets, and routes each data packet based on the data packet's determined routing address. These features are not taught by Tappan, Veerina, or Jagannath.

As noted above, Veerina does not teach a use of address labels, let alone a determination of one or more of a network layer and a transport layer routing address based on an address label, let alone a swap of the address label for the network layer and a transport layer routing address determined based on the address label. Jagannath does not teach a removal of one or more of a network layer and a transport layer routing address, let alone subsequently adding it.

Tappan teaches a data packet that includes a destination address of a router to which the packet will be forwarded in a hop. When the router receives the data packet, the router determines a next router for a forwarding of the packet in a next hop by reference to a table. To speed up the forwarding of the packet, Tappan teaches an insertion of a “shim” in the packet header between the link layer header and the network layer header (column 2, lines 38-41), such as an MPLS label (column 2, lines 55-61). This shim does not provide network layer or transport layer information and furthermore is intended for insertion in the link layer header of a transmission unit (e.g., an MPLS label) and not in a header of packet that is then multiplexed with other packets and wrapped with a link layer header.

Therefore, neither Tappan, Veerina, nor Jagannath, individually or in combination, teach the features of claim 23 of a data receiving device comprising a processor that extracts multiple data packets from a data transmission unit, determines one or more of a network layer and a transport layer routing address for each data packet of the multiple data packets based on an address label of the data packet that provides one or more of network layer and transport layer routing information, deletes the address label from and adds the determined one or more of a network layer and a transport layer routing address to each data packet of the multiple data packets, and routes each data packet based on the data packet’s determined routing address. Accordingly, the applicants respectfully request that claim 23 may now be passed to allowance.

Since claims 24 and 25 depend upon allowable claim 23, the applicants respectfully request that claims 24 and 25 may now be passed to allowance.

As the applicants have overcome all substantive rejections and objections given by the Examiner and have complied with all requests properly presented by the Examiner, the applicants contend that this Amendment, with the above discussion, overcomes the Examiner’s objections to and rejections of the pending claims. Therefore, the applicants respectfully solicit allowance of the application. If the Examiner is of the opinion that any issues regarding the status of the claims remain after this response, the Examiner is invited to contact the undersigned representative to expedite resolution of the matter. Furthermore, please charge any additional fees (including any Request for

Continuing Examination and extension of time fees), if any are due, or credit overpayment to Deposit Account No. 50-2117.

Respectfully submitted,
Dah-Lain Almon Tang et al.

By: /Steven May/

Steven A. May
Attorney for Applicants
Registration No. 44,912
Phone No.: 847/576-3635
Fax No.: 847/576-3750